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C. J. Lee
12/31/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Ieyasu KOBAYASHI, ET AL.
Serial No. 09/762,920
Filed: June 9, 2000
For: BIAXIALLY ORIENTED POLYESTER FILM AND MAGNETIC RECORDING
MEDIUM

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

Declaration

I, Kobayashi Ieyasu, am the inventor of the present invention and have thorough knowledge of not only the present invention but also JP 11-144227, USP 5665454 and USP 5364684 cited in the Office Action.

I have conducted experiments on the reworking of Example 2 of JP 11-144227 and Example 1 of USP 5364684 to distinguish the biaxially oriented polyester film of the present invention from the films of JP 11-144227 and USP 5364684 cited in the Office Action and have measured the physical property values of the obtained films.

The results are shown in Table A below. In Table A, the physical properties were measured in accordance with the methods described in the specification of the present application.

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	direction	unit	Run 1	Run 2	Run 3
thickness		μm	4.5	4.5	5.0
Young's moduli	longitudinal direction	GPa	9.0	8.7	7.4
	transverse direction	GPa	6.0	5.5	7.4
crystallinity		%	36	36	35
heat shrinkage factor	transverse direction	%	0	0.5	0.6
temperature and humidity expansion coefficients					
temperature expansion coefficient (ot)	transverse direction	$\times 10^{-6}/^{\circ}\text{C}$	15	20	3
humidity expansion coefficient (oh)	transverse direction	$\times 10^{-6}/\%RH$	13	14	10
ot+2oh	transverse direction		41	48	23
dimensional change in width before and after temperature and humidity treatment under load in longitudinal direction	transverse direction	%	0.20	0.42	0.50
track dislocation conditions 1			○	×	○
conditions 2			○	×	×
electromagnetic conversion characteristics			◎	○	◎

Run 1 corresponds to Example 2 of the present application. Run 2 corresponds to Example 2 of JP 11-144227 and Run 3 corresponds to Example 1 of USP 5364684. Since the stretching temperature in the transverse direction is not specified in Example 2 of JP 11-144227, an intermediate value (160°C) of the preferred temperature range (140 to 180 °C) (paragraph [0028]) was used. Also as the heat setting time is not specified in Example 1 of USP 5364684, the same heat setting time (10 seconds) as in Example 2 of the present application was used.

As described above, it is understood that the films of Runs 2 and 3 have a track dislocation problem.

The undersigned declarant further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issuing thereon.

The 9 day of December, 2002

Ieyasu Kobayashi

(Ieyasu KOBAYASHI)